



Immigration, Refugees
and Citizenship Canada

Immigration, Réfugiés
et Citoyenneté Canada

Deputy Minister

Sous-ministre

Ottawa K1A 1L1

F-1229025

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MEMORANDUM TO THE MINISTER

DIGITAL PLATFORM MODERNIZATION PROCUREMENT AND GUIDELINES FOR INDUSTRY ENGAGEMENT

FOR INFORMATION

SUMMARY

- The purpose of this memorandum is to update you and your office on the Digital Platform Modernization (DPM) procurement process, with a view to informing your engagement with the private sector while activities are ongoing.
- Recently, meetings with industry stakeholders had to be cancelled to avoid the perception or potential claims of bias or competitive advantage being afforded to certain suppliers while a risk that is common to all procurement processes and can result in complaints, including to the Canadian International Trade Tribunal or Federal Court.
- The Department's upcoming and ongoing procurement activity heightens the need to be demonstrably fair, open, and transparent in all dealings with industry. Fairness, as defined in the Government of Canada's Policy on the Planning and Management of Investments, is to treat all parties without discrimination or favouritism while conforming to established rules.
- A non-exhaustive list of vendors requiring caution is attached at Annex 1. Given that a number of vendors are engaged on projects that are already underway at Immigration, Refugees and Citizenship Canada (IRCC), the Department is also putting in place additional measures to mitigate identified procurement risk at the officials level, as described at Annex 2.

N/R

BACKGROUND:

- DPM is IRCC's end-to-end digital transformation program comprising program and policy simplification, business process re-engineering, legislative and regulatory amendment, change management, and technology renewal, including the replacement of the Global Case Management System (GCMS).

N/R

- Government of Canada contracting is subject to an extensive legislative, regulatory and policy suite that includes the *Financial Administration Act*, the *Conflict of Interest Act*, the *Lobbying Act*, *Government Contracts Regulations*, trade agreements, Treasury Board directives, and policies. These instruments work together to ensure, among other objectives, that “actions related to the management of procurement are fair, open and transparent, and meet public expectations in matters of prudence and probity”, as stated in the Treasury Board Directive on the Management of Procurement.
- The Department’s current engagement with vendors is part of DPM’s “agile” procurement process, which Public Services and Procurement Canada (PSPC) is conducting on IRCC’s behalf. Agile procurement aims to achieve business outcomes by establishing close collaborations between procurement experts, end users, and private sector suppliers through multiple phases.
- The ongoing DPM process includes a series of carefully structured engagements with industry to support the Department’s thinking on sourcing and contracting models, programme delivery, solution options, and social procurement considerations. Major procurement activity is slated to conclude by fall 2023, with a contract being awarded to a core technology vendor to begin replacing GCMS and additional contracts being awarded to vendors responsible for the integration of different subsystems, professional and advisory services, ancillary technologies, or cloud support.
- The Ottawa-based firm [redacted] specializes in public procurement and has been engaged by PSPC [redacted] The role of a Fairness Monitor is to provide independent assurance that procurement activities are conducted in a fair, open, and transparent way. Fairness Monitors provide final reports on monitored activities that are available to the public.

N/R

CURRENT STATUS:

- It is important to note that caution must be exercised with all vendors at this time. The breadth and depth of DPM makes it difficult to engage with industry without touching on topics that relate to the initiative. Furthermore, vendors that did not participate in the initial Request for Information (RFI) or Industry Day remain eligible to bid

N/R

- Ministerial and departmental officials are therefore at heightened risk of real, apparent, or perceived bias when accepting meetings or speaking engagements where private sector firms or their consultants are represented. This includes sponsored events such as conferences.
- Suppliers may attempt to gather information on current or potential procurement activity through their contacts in preparation for a bid.

N/R

- In anticipation of current procurement activities, the Office of the Chief Financial Officer instructed IRCC officials in September 2021 not to respond to any questions from vendors regarding procurement and to direct all questions to the departmental contracting authority.
- The contracting authority of each department is responsible for conducting procurements on behalf of their department or agency, establishing contracts and contractual arrangements that are based on sound procurement principles, and ensuring that the integrity of procurement processes is maintained through adherence to the *Values and Ethics Code for the Public Sector* and the *Treasury Board Directive on Conflict of Interest*. In the case of DPM, the contracting authority is Public Services and Procurement Canada.
- A number of consultants and vendors are already working for IRCC in an embedded capacity. See Annex 2 for specific measures that IRCC has and is taking to mitigate risks in that regard.

COMMUNICATIONS IMPLICATIONS:

- Due to the sensitivity of this procurement process, a responsive approach to external communications is recommended at this stage, with only high-level messaging of the aim and status of the project provided if IRCC receives media queries. A proactive internal communications approach is, however, recommended.
- IRCC will consider developing an all-staff message providing employees with a status update on the procurement process. It should also share some of the tangible measures being used to ensure a fair, open and transparent procurement process, and remind employees to be cautious when working with this information, and the importance of not sharing project information or discussing project throughout this entire process.
- A DPM update message to IRCC staff is slated to be released in June 2022. This may be an opportunity to provide a procurement update.

NEXT STEPS:

- All invitations from private firms or consultants should be vetted internally to determine their scope, necessity, and compliance, prior to accepting or declining:
 - Meetings without a clearly stated purpose that touch on the topic of transformation, or with suppliers that have shown interest in DPM (see Annex 1) are highly inadvisable.
 - IRCC officials are not precluded from meeting with existing contractors on current contractual requirements.
- If industry engagement is required on other departmental priorities:
 - Officials should take steps to ensure compliance under the *Conflict of Interest Act*, *Lobbying Act*, and other applicable legislation, as well as related record-keeping, including clear indications about who is lobbying and on whose behalf, on what subject (e.g. legislative proposals, policies, programs), the type of communication used (e.g. verbal, written), the names of the designated public office holders involved, and whether any former public office holders were involved.

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- Before the meeting or event, IRCC should confirm the scope of the agenda with participants and must also explicitly advise the vendor that officials will not discuss digital transformation activities, current or future processing systems, or ancillary services and the Government of Canada's responsibility to protect the integrity of the entire procurement process and not give rise to any potential bias, unfair advantage or conflict of interest.

N/R

N/R

- The Department remains available to provide advice on situations that are unclear and is implementing the measures described at Annex 2.

a/DM e-approved June 7, 2022

Caroline Xavier
Acting Deputy Minister

Annexes (2):

- 1: List of Vendors (non-exhaustive)
- 2: Procurement Guardrails for IRCC Staff

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ANNEX 1 – LIST OF VENDORS

Below is a list of technology and professional services vendors known to be engaged with IRCC at the time of this brief. As already noted,

Please see the assessment process identified in the memorandum under ‘Next Steps’ when considering meetings of any kind with private sector firms.

N/R

N/R

B. Vendors Previously Engaged by IRCC on DPM
(NB. Non-exhaustive list based on information available as of May 16, 2022)

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**is withheld pursuant to section
est retenue en vertu de l'article**

20(1)(c)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

ANNEX 2 – PROCUREMENT GUARDRAILS FOR IRCC STAFF

The Department has and is putting in place the following measures to ensure necessary due diligence and transparency in light of the fact that various technology and professional firms and consultants are already undertaking work within IRCC.

- All event invitations from technology and/or professional services firms and consultants must be centrally recorded and carefully vetted to determine their scope, necessity, and compliance with applicable legislation, regulations, and policies.
- Non-disclosure agreements and conflict of interest disclosure forms must be signed by all consultants working on DPM and other technology or modernization initiatives within IRCC. Where applicable, conflict of interest restrictions on participation in future bidding processes are to be included in the agreement and/or associated contract(s).
- Consultants will be asked to recuse themselves proactively if inadvertently included in a meeting or correspondence trail to which they should not be privy.
- All employees and individuals involved with technology-related files will be asked to declare any real or perceived conflict of interest at the outset of their involvement on the file and will be periodically reminded of this requirement and of their obligations under the *Public Service Employment Act* and other relevant legislation, codes, and policies including the *Values and Ethics Code for the Public Sector*. This includes declaring any past or present relationship to current or potential IRCC suppliers.
- An internal directory of consultants is being created so that IRCC staff are aware of who is and is not an FTE. Consultants must also state their status in signature blocks and in the departmental e-mail system.
- A group account is being created for all consultants in IRCC's system of record (GCDOCS) to prevent inappropriate access to documents. The IRCC creators of documents will assess whether consultant access is authorized and provide permission on a case-by-case basis.
- An onboarding document and process are being developed to communicate the role of staff in supporting fair procurement processes, on the basis of guidance from Legal and/or Corporate Services as required. Training will include specific guidelines on how to manage the fact that consultants are exempt from the Cabinet confidentiality relationship.
- IRCC's Chief Security Officer will be advised of any unauthorized disclosures to consultants, in keeping with Privy Council Office reporting requirements.